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BASEL CONVENTION

Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
Twelfth meeting
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Item 4 (d) (iii) of the provisional agenda*

Matters related to the implementation of the Convention: technical assistance: implementation of decision V/32 on the enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention

Implementation of decision V/32 on the enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention

I. Introduction

1. The Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal has adopted a number of decisions pertaining to the enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention, including decisions V/32, VI/14, VI/41, IX/22 and BC-11/14.

2. By decision V/32, the Conference of the Parties decided on an interim basis to enlarge the scope of the Technical Cooperation Trust Fund and that the Secretariat, upon request, could use funds contributed to the Trust Fund, in accordance with paragraphs 2, 3 and 4 of the decision, to assist developing country parties and parties with economies in transition in cases of incidents occurring during a transboundary movement of hazardous wastes and other wastes covered by the Basel Convention. By paragraph 2 of decision V/32, the Conference of the Parties indicated that funds contributed may be used: (a) to estimate the magnitude of damage that has occurred or damage that may occur and the measures needed to prevent damage; (b) to take appropriate emergency measures to prevent or mitigate damage; and (c) to help find those parties and other entities in a position to give the assistance needed. In paragraph 3 of decision V/32, the Conference of the Parties also foresaw the use of funds contributed to compensate parties for damages covered by the Basel Convention liability and compensation Protocol, once the Protocol enters into force. In paragraph 4, the Conference of the Parties foresaw that the Secretariat could use funds contributed to the Trust Fund to assist parties in developing capacity-building and transfer of technology and putting in place measures to prevent accidents and damage to the environment caused by the transboundary movement of hazardous wastes and other wastes and their disposal.

* UNEP/CHW.12/1.

3. By decision VI/14, the Conference of the Parties approved the Interim Guidelines for the implementation of decision V/32. Part 1 of the Interim Guidelines deals with emergency assistance, part 2 deals with compensation for damage to, and reinstatement of, the environment, once the Protocol enters into force, and part 3 deals with the development of capacity-building and transfer of technology and putting in place measures to prevent accidents and damage to the environment caused by the transboundary movement of hazardous wastes and other wastes and their disposal. By decision VI/41 on financial matters, the Conference of the Parties approved the enlargement of the scope of the Technical Cooperation Trust Fund, as provided for in decision V/32. It also approved the revised terms of reference for the administration of the trust funds for the Basel Convention, as contained in appendix I to that decision, whereby the Technical Cooperation Trust Fund is to provide financial support for, among others, cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal. Paragraph 3 (d) of rule 4 of the financial rules adopted by the Conference of the Parties in decision BC-10/28 also reflects the extended scope of the Technical Cooperation Trust Fund for such cases.

4. By decision BC-11/14, the Conference of the Parties decided to amend the section entitled "Procedure" in part 1, chapter IV, of the interim guidelines for the implementation of decision V/32 by replacing the references to the Expanded Bureau, which was discontinued by the Conference of the Parties in decision BC-11/25, with references to the Bureau of the Conference of the Parties. In the same decision, the Conference of the Parties requested the Secretariat, among other things:

(a) To reflect the amendment in the text of the Interim Guidelines for the implementation of decision V/32, and to make the amended version of the guidelines publicly available;

(b) To make proposals on strengthening cooperation with the Office for the Coordination of Humanitarian Affairs, the United Nations Environment Programme (UNEP) and other relevant organizations mentioned in the report submitted to the Conference of the Parties at its eleventh meeting (see UNEP/CHW.11/INF/20) and, if necessary, redefining the division of labour with them, so as to provide developing countries with effective rapid access to expertise following emergencies;

(c) To reconsider, in accordance with the above-mentioned report, its role in capacity-building activities relevant to the prevention of incidents and in enhancing the preparedness of countries to deal with emergencies caused by transboundary movements of hazardous wastes and other wastes and their disposal, and if necessary make proposals to the Conference of the Parties at its twelfth meeting for amendments to part 3 of the Interim Guidelines;

(d) To continue its cooperation and collaboration with the Joint UNEP/Office for the Coordination of Humanitarian Affairs Environment Unit and to consider whether any changes in the letter of agreement between the Secretariat and the Unit were needed as a result of the report.

5. By paragraph 7 of decision BC-11/14, the Conference of the Parties invited the Basel Convention regional centres to carry out prevention and preparedness capacity-building activities with relevant partners, such as the Joint UNEP/Office for the Coordination of Humanitarian Affairs Environment Unit.

II. Implementation

6. In response to the request referred to in paragraph 4 (a) above, the Secretariat made available the amended version of the Interim Guidelines in all six official languages of the United Nations on the Basel Convention website.[1] The amended version includes additional editorial changes and updates made by the Secretariat so as to ensure consistency of terminology throughout the Interim Guidelines and updated contact information set out therein. In order to raise the awareness of parties on this matter, the Secretariat has produced a leaflet, which is available on the Basel Convention website.

7. Pursuant to the requests referred to in paragraph 4 (b) and (d) above, the Secretariat has continued to cooperate with the Joint UNEP/Office for the Coordination of Humanitarian Affairs Environment Unit within the framework of the letter of agreement signed between the two entities on 28 March 2011, for instance by working towards the development of framework or standby contracts with interested national experts, which would ensure the immediate operability of an expert in an emergency situation without bureaucratic delay. The progress made in the establishment of such arrangements will be reported to the Conference of the Parties for consideration at its thirteenth meeting. In addition, the Secretariat suggests that the Office for the Coordination of Humanitarian Affairs and UNEP be involved earlier in the process of providing emergency assistance, thus

[1] http://www.basel.int/Implementation/TechnicalAssistance/EmergencyFund/tabid/2370/Default.aspx.

contributing to enhancing an effective and rapid access to expertise following emergencies. In view of this, a proposal for amending part 1 of the Interim Guidelines is set out in annex I to the present note.

8. With respect to the request referred to in paragraph 4 (c) and (d) above, it may be noted that the role of the Secretariat in undertaking capacity-building and training activities relevant to the prevention of incidents and enhancing the preparedness of countries to deal with emergencies caused by transboundary movements of hazardous wastes and other wastes can be seen as falling in the following two tracks:

(a) The first relates to the procedure set out in part 3 of the Interim Guidelines by which the Secretariat is to advise and assist in the preparation and submission of proposals for projects to be implemented by country parties requesting assistance;

(b) The second relates to the mandate of the Secretariat to facilitate technical assistance to developing-country parties and parties with economies in transition, upon request, to assist with the implementation of the Convention.

9. Under the first track, and in line with part 3 of the Interim Guidelines, no project proposals have been submitted to the Secretariat so far.

10. Under the second track, the Secretariat has continued to cooperate with the Joint UNEP/Office for the Coordination of Humanitarian Affairs Environment Unit within the framework of the letter of agreement. As part of this ongoing cooperation, the Secretariat has organized with the Unit a series of five webinars to raise awareness on the support available in cases of emergency. Furthermore, it has provided inputs to the capacity-building activities implemented by the Unit, such as an e-learning module on disaster waste management developed as part of its online Environmental Emergencies Centre. The Secretariat is currently working with the Unit on the development of capacity-building activities relevant to the prevention of incidents and to enhancing the preparedness of countries to deal with emergencies caused by transboundary movements of hazardous wastes and other wastes and their disposal.

11. The Secretariat is not at present proposing major amendments to part 3 of the interim guidelines. It would suggest only that it consult the Joint UNEP/Office for the Coordination of Humanitarian Affairs Environment Unit when fulfilling its role, pursuant to part 3 of the Interim Guidelines. In the light of this, a proposal for amending the section entitled "Role of the Secretariat of the Basel Convention" in part 3, chapter III, of the Interim Guidelines is included in the draft decision set out in paragraph 16 of the present note.

12. In addition to the activities undertaken in cooperation with the Joint UNEP/Office for the Coordination of Humanitarian Affairs Environment Unit mentioned above and pursuant to the request referred to in paragraph 4 (d) above, the Secretariat has participated in meetings organized by UNEP and the Office for the Coordination of Humanitarian Affairs on environmental emergency response, such as the Advisory Group on Environmental Emergencies forum, held in Geneva from 15 to 17 May 2013, and the Consultative Meeting on Improving Coordination on Environmental Emergency Response, held in Geneva on 7 November 2013.

13. The Secretariat does not consider it necessary to make any changes to the letter of agreement between the Secretariat and the Joint UNEP/Office for the Coordination of Humanitarian Affairs Environment Unit. The latest version of the letter of agreement is available on the Convention website.[2]

14. Pursuant to the request referred to in paragraph 5 above, the Basel Convention regional centre in Senegal has expressed interest in carrying out prevention and preparedness capacity-building activities, in accordance with part 3 of the Interim Guidelines. The Conference of the Parties might consider inviting the Basel Convention regional centres to assist country parties, upon request, in the development and submission of proposals for undertaking the capacity-building activities defined under part 3 of the Interim Guidelines.

15. Since the most recent meeting of the Conference of the Parties, no additional contributions have been received for the Technical Cooperation Trust Fund for cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and others wastes, as provided for in paragraph 3 (d) of rule 4 of the financial rules. The status of contributions made to the Trust Fund for such uses, as at 31 December 2014, is set out in annex II to the present note.

[2] www.basel.int/Implementation/LegalMatters/EmergencyFund/tabid/2370/Default.aspx.

III. Proposed action

16. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties

1. *Takes note* of the information on activities carried out by the Secretariat pursuant to decision BC-11/14;[3]

2. *Welcomes* the active engagement of the Joint United Nations Environment Programme/Office for the Coordination of Humanitarian Affairs Environment Unit with respect to emergency situations and encourages its continued cooperation with the Secretariat;

3. *Decides* to amend chapter IV of part 1 of the Interim Guidelines for the implementation of decision V/32 on enlargement of the scope of the Technical Cooperation Trust Fund[4] in line with annex I to the note by the Secretariat on the implementation of the decision ;[5]

4. *Decides* to amend the section entitled "Role of the Secretariat of the Basel Convention" in chapter III of part 3 of the Interim Guidelines for the implementation of decision V/32 on enlargement of the scope of the Technical Cooperation Trust Fund to read as follows:

"Role of the Secretariat of the Basel Convention

The Secretariat of the Basel Convention, in consultation as appropriate with the Joint United Nations Environment Programme/Office for the Coordination of Humanitarian Affairs Environment Unit, may, if requested, advise on and assist in the preparation and submission of proposals for technical cooperation for the prevention of accidents and damage."

5. *Requests* the Secretariat to reflect the amendments adopted in the preceding paragraphs in the text of the Interim Guidelines and make the amended version of the guidelines publicly available;

6. *Also requests* the Secretariat, subject to the availability of resources, and invites the Basel Convention regional centres to carry out capacity-building activities with relevant partners, such as the Joint United Nations Environment Programme/Office for the Coordination of Humanitarian Affairs Environment Unit, relevant to the prevention of incidents and enhancing the preparedness of countries to deal with emergencies caused by transboundary movements of hazardous wastes and other wastes and their disposal, in line with part 3 of the interim guidelines;

7. *Further requests* the Secretariat to continue its cooperation and collaboration with the Joint United Nations Environment Programme/Office for the Coordination of Humanitarian Affairs Environment Unit;

8. *Requests* the Secretariat to report to the Conference of the Parties at its thirteenth meeting on the implementation of the present decision.

[3] UNEP/CHW.12/14, sect. II.

[4] Decision VI/14, appendix.

[5] UNEP/CHW.12/14.

Annex I

Proposal to amend part 1 of the Interim Guidelines for the implementation of decision V/32 so as to enhance effective rapid access to expertise following emergencies by strengthening cooperation with the Office for the Coordination of Humanitarian Affairs and the United Nations Environment Programme

The proposed amendments are shown in tracked changes below:

[...]

IV.IMPLEMENTATION OF EMERGENCY ASSISTANCE

Procedure

Requests submitted to the secretariat are dealt with promptly.

On the basis of the present Interim Guidelines, the Executive Secretary in consultation with the Bureau, using a quick procedure, may provide assistance to a Party to the Convention from the Technical Cooperation Trust Fund.

~~The Executive Secretary will also consult with contributors, especially in cases where contributions to the Trust Fund are earmarked with conditions.~~

Upon receiving a request for emergency assistance, the Secretariat shall

consult with

- consult with experts, through the national focal point, in order to clarify the urgency, the imminence of the threat or the type of measures necessary to be taken for that specific incident;

- inform UNEP/OCHA of the incident and seek the services provided by the Joint UNEP/OCHA Environment Unit in offering its emergency assistance (see details of services provided by UNEP/OCHA further down);

The Executive Secretary will also- consult with contributors, especially in cases where contributions to the Trust Fund are earmarked with conditions.

All decisions taken should be reported to the Bureau, the Open-ended Working Group- and to the next meeting of the Conference of the Parties.

Task Force

All activities of emergency assistance shall be coordinated by the Executive Secretary. Whenever necessary, the Executive Secretary shall establish a task force for her his support, which will handle all required tasks of emergency assistance. The Executive Secretary shall invite UNEP/OCHA to nominate representatives to be part of the task force.

[...]

Service provided by UNEP/OCHA

The mandate of UNEP/OCHA is to improve the international response to environmental emergencies by serving as a clearing-house for information and a switchboard for disaster notification, and alerting and acting as a broker between affected and donor countries.

The secretariat should use the services provided by the Joint UNEP/OCHA Environment Unit in offering its emergency assistance. These services could include rapid assessment through international experts, the implementation of emergency measures, and the broker function between the affected country and donor countries that are ready and willing to assist.

The secretariat will seek the support of the Joint UNEP/OCHA Environment Unit in particular through its global network of National Focal Points, consisting of governmental organizations responsible for

environmental emergencies at the national level, and its other partners worldwide, for the provision of emergency assistance.

The secretariat will invite the Joint UNEP/OCHA Environment Unit to cooperate in the preparation of framework contracts with interested national experts in order to create a "stand-by situation", ensuring the immediate operability of an expert in an emergency situation without bureaucratic delay.

These stand-by contracts will be consultancy contracts prepared in advance for the stand-by period (e.g. for one/two year(s)). The framework contracts will be at no cost to the organization during the stand-by period, if no actual operation is undertaken.

Experts shall be selected according to expertise, language and geographical criteria. Regional centres under the Basel Convention could provide experts on issues pertaining to management of hazardous wastes and other wastes under the Basel Convention. The experts shall be selected by the Executive Secretary of the secretariat of the Basel Convention and nominated to the UNEP/OCHA Joint Environment Unit.

A Letter of Agreement Memorandum of Understanding has been signed between the secretariat of the Basel Convention and the UNEP/OCHA Environmental Unit, identifying the areas and the methodology for cooperation.

[...]

Annex II

Status of the contributions made to the Technical Cooperation Trust Fund for cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal, as provided for in paragraph 3 (d) of rule 4 of the financial rules, as at 31 December 2014

1. As at 31 December 2014, the sum of $332,876 was available in the Technical Cooperation Trust Fund for use for emergency assistance, in accordance with paragraph 2 of decision V/32, part 1 of the interim guidelines for the implementation of decision V/32, set out in the appendix to decision VI/14, and paragraph 3 (d) of rule 4 of the financial rules. Such funds are derived from contributions provided by the following eight donor countries: Australia, Denmark, Finland, France, New Zealand, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Table 1 sets out information on the balance of the Fund at the time of drafting of this report.

Table 1

Status of contributions for emergency assistance to the Technical Cooperation Trust Fund

(United States dollars)

Donor	*Year paid*	*Amount paid*	*Expenditures*	*Balance in 2014*	*Percentage used*
Australia	2007	42 290[a]		42 290	0
Denmark	2000	79 045[a]		79 045	0
Finland	2000	22 105[a]		22 105	0
France	2000	66 225[a]		66 225	0
New Zealand	1999	10 000[a]		10 000	0
Norway	2000	27 848[a]		27 848	0
Switzerland	2000	50 000[a]		50 000	0
United Kingdom	2000	50 000[a]	14 637[b]	35 363	29
Balance		**347 513**		**332 876**	

[a] Earmarked for emergency assistance, in accordance with paragraph 2 of decision V/32 and part 1 of the interim guidelines set out in the appendix to decision VI/14.

[b] Expenditures incurred by the expert mission organized by the Secretariat to assist Côte d'Ivoire to estimate the magnitude of damage that had occurred and the measures needed to mitigate and prevent further damage ("rapid assessment") in response to a request for emergency assistance under the Emergency Trust Fund in 2006. The funds used to assist Côte d'Ivoire represented 4.2 per cent of the total of funds available at the time.

2. In accordance with part 1 of the interim guidelines (emergency assistance) and on the basis of the funds currently available in the Fund, an amount of $33,287 should be kept as a reserve, thus leaving a maximum of $299,589 to be used. Consequently, the maximum amount available to be used in a single incident for emergency assistance is $99,863.

Table 2

Overview of the distribution of funds available for emergency assistance, in accordance with paragraph 2 of decision V/32 and part 1 of the interim guidelines set out in decision VI/14, as at 31 December 2014

(United States dollars)

	Amount	*Percentage*
Earmarked for general emergency assistance	199 726	70
Earmarked for concrete activities	0	0
Minimum reserve	33 287	10
Maximum available to be used in a single incident	99 863	30
Total balance of the Fund	**332 876**	**100**